FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3200 OF 2001

Office Notes, Office Memoranda appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Order

Mr.V.S.Kapse, for Petitioner.

CORAM: D.K.DESHMUKH,J.

DATED: 26th October, 2005.

P.C.:-

This petition is directed against an order passed by the Appeal Court declining to condone delay in filing the appeal. The delay was about 170 days. The decree was passed on 13.10.2000. The case of the petitioner was that he was ill in June,2000.

Thereafter, he had left town and was residing at Surat and therefore, he did not come to know the passing of the decree. Perusal of the decree shows that the petitioner did not lead any evidence before the Trial Court. No explanation is given in the application for condonation of delay as to why the petitioner did not lead evidence before the Trial Court. The petitioner also did not produce any document either to substantiate his statement that he was ill in the month of June,2000 or to show that he had left town and was residing at Surat. In the absence of any evidence produced by the petitioner, the Court has declined to accept the statements made by the petitioner. I do not find any patent error of Law in the order impugned. Hence, the petition is rejected.